

**CHAPTER 523**

**ESTATE ROADS**

*Ordinances* AN ORDINANCE TO PROVIDE FOR THE CONSTRUCTION, UPKEEP, AND REPAIR OF  
 Nos. 12 of 1902, ESTATE ROADS.  
 14 of 1907,  
 19 of 1910,

*Act*  
 No. 11 of 1951,  
*Law*  
 No. 37 of 1973.

[15th July. 1902.]

**CHAPTER I**

connect the said estates with the most convenient principal thoroughfare;

**PRELIMINARY**

Short title. **1.** This Ordinance may be cited as the Estate Roads Ordinance.

(f) the description of the road required.

(2) All applications shall be accompanied, if considered necessary by the Director of Works, by a plan and section of the proposed road drawn to a reasonable scale, and an estimate in detail showing the estimated cost of each half mile of the road.

**CHAPTER II**

**CONSTRUCTION OF ESTATE ROADS**

Application for construction of road. [§ 8, Law 37 of 1973.] **2.** (1) The proprietors of any two or more estates situated in the same locality, to which there is no available thoroughfare or branch road leading from some convenient principal thoroughfare, may make application in writing to the Director of Works of the region in which such estates are situated that the provisions of this Ordinance be extended to the said locality, and such application shall set forth, so far as the same may be ascertained, the following particulars:—

(3) In any case where the estates fall within two regions, the Minister may by Notification published in the Gazette authorize the Director of Works of any such region to exercise in that case the powers conferred by this Ordinance.

- (a) the description of the locality;
- (b) the names of all the estates therein ;
- (c) the names of the proprietors, or if they be absent from Sri Lanka, of the resident manager or superintendent, and of the agents, if any, of each estate ;
- (d) the acreage of each estate, so far as it is known, with the extent of land under cultivation;
- (e) the estimated length in miles of the road required to be made to

**3.** On receipt of such application the Director of Works shall, by publication in two consecutive numbers of the Gazette and by such other means as he may think necessary, give notice of his intention to define the limits of the district, the estates in which will—if the proposal for the construction of such estate road under the provisions of this Ordinance be assented to by the proprietors of two-thirds of the acreage in such district—be assessed for the construction and maintenance of such road. In such notice the Director of Works shall appoint the time and place at which he will take evidence, if necessary, and receive and consider objections, and after making such inquiry as he may deem requisite, and considering any such objection, shall proceed to define the limits of such district; or if need be, shall adjourn such meeting as

The Director of Works to define limits of district upon day appointed ;

or at any adjourned meeting.

The Director of Works empowered to vary or alter limits, if occasion arise.

often as he considers necessary to any day or days to be fixed by him, when he shall upon such adjourned meeting define the limits of such district. And it shall be competent to the Director of Works from time to time, if occasion arise, to alter and vary such limits so as to include such estates as may have been newly opened or may have been inadvertently or otherwise excluded, or if he considers just, to exclude any estate which may have been erroneously included :

Provided, however, that the Director of Works shall, by publication in two consecutive numbers of the Gazette and by such other means as he may think necessary, give notice of his intention to alter and vary the limits of any district, and shall in such notice appoint the time and place for hearing objections, if any, in the same manner as is herein provided for in the case of the original definition of a district; and the limits so altered shall thereupon be the limits of such district as if they had been originally defined, and the estates included within such limits, altered as aforesaid, shall become bound and be liable to be assessed for the upkeep and repair of such estate roads as if they had been originally included within such district.

Sums assessed for construction to be recovered in manner hereinafter provided.

4. It shall be competent to the Director of Works to call upon the proprietor or resident manager of any estate included within such limits so altered as aforesaid to pay the sum which he would have been liable to pay had such estate been originally assessed for construction of such road as well as such sums as may be assessed for the repair and upkeep of such road from such time as such estate began to use such road, and in default of payment of any such sum the same shall be recovered in manner hereinafter provided for the recovery of sums assessed :

Provided that the proprietor of any estate or part of an estate formed out of land purchased from the State after such estate road shall have been constructed shall be liable to pay only such sum as may be assessed for the repair and upkeep of such road.

5. Upon the limits of the district being defined as aforesaid, the Director of Works shall transmit to the proprietor (or, in case of his absence from Sri Lanka, to the resident manager or superintendent, or if there be no resident manager or superintendent, to the agent, if any, in Sri Lanka, of the proprietor) of every estate within the limits of such district, so defined as aforesaid, a requisition calling upon him to declare in writing within such time as shall be therein specified, whether he desires that the provisions of this Ordinance should be extended to such district for the purpose of the construction therein of an estate road. Such requisition shall be in the form A in the Schedule or as near thereto as may be. If there be no known agent, the Director of Works shall cause such requisition to be affixed to some conspicuous part of the estate, and published in two consecutive numbers of the Gazette. If no answer be received at the office of the Director of Works within the time limited by such requisition, the person to whom the same was forwarded shall be deemed to have assented to the proposal referred to therein.

Proprietors to be called upon to declare whether they desire to bring district under the Ordinance.

If no agent, requisition to be affixed.

6. If it shall appear to the Director of Works from the replies to such requisition or otherwise, that the proprietors of at least two-thirds of the acreage in any such district are desirous that the provisions of this Ordinance should extend and be applied to the said district for the purpose of constructing therein an estate road, he shall forthwith forward the application to the Minister, together with his report as to the necessity for the said road and as to the direction and terminus which he recommends as best adapted for the general convenience of the district, and thereupon it shall be lawful for the Minister to approve of the construction of such road.

If proprietors of two-thirds of acreage assent, Director of Works to forward application to Minister with report.

7. (1) Upon the receipt of the Minister's approval it shall be lawful for the Director of Works to appoint two assessors by writing under the hand of the Director of Works. The assessors so appointed shall, upon the receipt of such appointment, forthwith issue a notice to the person in charge of each of the estates through which the proposed estate road will pass, that they will, on a day to be named in such notice, visit such estate and summarily inquire into

Director of Works to appoint assessors.

the value of the land belonging to such estate to be taken over for the construction of the proposed road, and shall fix the amount of compensation to be paid to the proprietor of any such estate therefor.

(2) The assessors so appointed shall, when fixing the amount of compensation to be paid to any proprietor, at the same time fix and determine the equivalent in money of any benefit which will accrue to such estate by the construction of the proposed road:

Provided, however, that in no case shall the assessors fix the money equivalent of such benefit at a larger amount than the sum fixed as compensation for land taken over from such estate for the construction of the proposed road.

(3) The decisions of the assessors as to the amount to be paid as compensation for the land acquired from, and as to the amount fixed as the money equivalent of the benefit accruing to, any estate by the construction of the proposed road shall be respectively subject to an appeal to the Director of Works, who may affirm or disallow the same respectively, and the Director of Works may, if he thinks fit, send the same back to the assessors to reassess the same, or he may appoint an additional assessor or fresh assessors for this purpose, and such reassessment shall be subject to a like appeal, and every such decision not appealed from within the time hereinafter provided, or when affirmed by the Director of Works on appeal, shall be final, and shall bind the proprietor of the estate in respect of which such decision has been made.

(4) The proprietor of an estate or his agent or representative in Sri Lanka taking an appeal under the preceding subsection shall have thirty days from the date on which the assessors shall have posted a copy of their decision to the person in charge of such estate in which to appeal to the Director of Works from such decision.

(5) Whenever a final decision has been come to as to the amount to be paid as compensation and the amount of the money equivalent of the benefit accruing to any estate by the construction of the proposed

road has been finally determined, any sum fixed as the money equivalent of the benefit accruing to an estate shall be deducted from the sum to be paid to such estate as compensation, and the proprietor of such estate shall be entitled to receive any balance.

(6) Nothing in this section contained shall prevent the Director of Works from agreeing with the proprietors as to the amount of compensation to be paid to such proprietors without the appointment of any assessors as hereinbefore provided, if it shall appear expedient to the Director of Works so to do.

8. As soon as the amounts to be paid as compensation to the several proprietors of the lands taken over for the construction of the proposed road have been finally determined as prescribed in section 7, the Director of Works shall forward to the Minister a report setting out the total net amount to be paid for compensation, together with the estimated cost of the construction of such road. And upon receipt thereof it shall be lawful for the Minister, if to him it shall appear expedient, to sanction the construction of such road : and upon the publication of such sanction in the *Cia/ette* the proprietors of all the estates within the limits of such district, so defined as aforesaid, shall become and be severally bound and liable for their contribution in accordance with the rates to be determined by an assessment as hereinafter provided.

Construction if roads to be sanctioned by Minister and proprietors to be liable for their contribution.

**CHAPTER III**

**DIRECTORS OF WORKS AND LOCAL COMMITTEES**

9. Upon the publication of the Minister's sanction, and notice thereof being communicated to him, the Director of Works shall, by notice in two consecutive numbers of the Gazette and such other means of publication as he may think necessary, convene at some suitable place a general meeting of the proprietors or resident managers of the estates therein to elect a local committee, which shall consist of not less than two nor more than five members, to perform the duties imposed

Director of Works to convene meeting for election of local committee.

upon such committee by this Ordinance. The general meeting so convened for the election of such committee shall consist of such number of proprietors or resident managers within the district as shall represent not less than one-third of the acreage.

meeting of proprietors or resident managers for the election of a new local committee. At such meeting the Director of Works, if present, or, if he be absent, such proprietor or resident manager as the meeting shall elect, shall act as chairman, and in all other respects the proceedings at such meeting shall be governed by the provisions of section 10.

Proceedings at election.

10. At such general meeting it shall be lawful for the proprietors, or their representatives present thereat, to elect the persons who are to act as members of the local committee. The Director of Works, if present, or, if he be absent, such proprietor or resident manager as the meeting shall elect, shall act as chairman at such meeting, and it shall be lawful for the meeting, if need be, to adjourn such meeting to any other time or place. All questions and resolutions shall be determined by a majority of the votes of the proprietors or their representatives as aforesaid. In case of equality of votes the chairman shall have a casting vote in addition to his own vote. And if any question shall arise at such meeting as to the right of any person to vote thereat, or the mode of proceeding for the election of persons to serve as members of the local committee, the chairman shall determine the same, and his decision shall be final and conclusive. The minutes of such meeting shall be transmitted by the chairman to the Director of Works, with the names of the persons elected as members of the local committee, and the Director of Works shall cause such names to be published in the Gazette.

13. The local committee so elected, or in the event of such committee consisting of only two members, the Director of Works, shall appoint one of the members as chairman, who shall hold office during the said term of two years; and in case of any vacancy the local committee shall elect, or in the event of such committee consisting of only two members, the Director of Works shall appoint, another member to act as chairman. And it shall be the duty of the chairman so appointed to convene, by notice in two consecutive numbers of the Gazette and by such other means as he may deem necessary, a meeting of the members whenever required by the Government or by the Director of Works appointing the time and place for such meeting; the chairman, or, if he be absent, such other member of the local committee as the meeting shall elect, shall preside at every such meeting, and shall duly record the proceedings of such meeting and forward the same to the Director of Works.

Appointment of chairman.

Members to hold office for two years. Proceedings in case of vacancy.

11. The persons elected to act as members of the local committee shall hold office for two years, and shall be eligible for re-election at the end of that term. In case of any member resigning, dying, or leaving Sri Lanka, or becoming incapable to act, the other members for the time being, or in the event of the committee consisting of only two members, the remaining member, may elect another proprietor or resident manager to serve for the remainder of the term for which the member so resigning, dying, or leaving Sri Lanka, or becoming incapable to act, was elected.

14. All acts whatsoever authorized or required to be done by any local committee may and shall be done by the majority of members of such committee present at any meeting convened as aforesaid or at any adjournment of such meeting, two of them to form a quorum:

Majority of members to decide all questions.

Provided that when the votes of the members present shall be equally divided, the chairman shall, beside his vote as a member, have a casting vote.

Biennial meeting for election of local committee.

12. At the expiration of every two years from the appointment of the first local committee the Director of Works shall convene, in manner provided in section 9, a

15. (1) If the proprietors or resident managers of estates in any district fail to elect a committee for the district at the meeting convened for that purpose or at the adjourned meeting, it shall be competent to the Director of Works to nominate not less than two nor more than five proprietors or resident managers residing within the district to be the local committee. The

If members not elected, the Director of Works may nominate a local committee.

persons so nominated shall hold office for two years, and a local committee so nominated may do any of the acts or perform any of the duties which an elected local committee is authorized to do or perform under the provisions of this Chapter.

If local committee fail to perform duties imposed on it. Director of Works to act.

(2) If the local committee, whether elected or nominated, shall fail to perform the duties imposed upon it by this Ordinance, the same may be performed by the Director of Works.

Local committee to convene meetings to determine the assessment of estates and report to Director of Works.

**16.** The local committee shall, so soon thereafter as it may be required so to do by the Director of Works, convene, by notice in two consecutive numbers of the Gazette and by such other means as they may deem necessary, a meeting of the proprietors or resident managers of the estates within the district at some specified time and place within such district, and the local committee shall thereat or at any adjourned meeting, after hearing objections, if any, and taking evidence, if necessary, determine, and make report to the Director of Works, on—

- (a) the sections into which the road is to be divided for construction assessments;
- (b) the sections into which the road is to be divided for upkeep assessments;
- (c) the estates which, in their opinion, are interested in and will use each section of the road or of any part thereof;
- (d) the acreage or reputed acreage of the land belonging to each estate ;
- (e) the names of the proprietors, resident managers, or superintendents, and of the agents:

Provided, however, that the sections into which the road is divided for construction assessment shall in no case exceed half a mile in length, that the sections into which the road is divided for upkeep assessment shall in no case exceed one mile in length, and that an estate using any portion of a section shall be assessed for the whole of such section.

**17.** On receipt of such report the Director of Works shall cause a notice to be published in two consecutive numbers of the Gazette and made public by such other means as he may think necessary, appointing time and place for hearing objections, and after hearing such objections, if any, the Director of Works shall adopt, alter, modify, or confirm such report, and shall proceed to assess the proportion due by each estate by dividing by the total number of acres of the estates which, in his opinion, are interested in and will use each section (subject to the exception in section 18 specified) the sum of money equal to the total estimated cost of the construction of such sections of the proposed estate road, less any sum that may be voted by Parliament to be paid out of the Consolidated Fund in respect of such proposed road, and thus apportioning the amount due upon and for each acre, and the rate so assessed by the Director of Works shall (subject to the appeal hereinafter provided) be binding and conclusive on all proprietors of estates in such district. And the Director of Works shall thereupon transmit to the proprietor of each estate (or, in case of his absence from Sri Lanka, to the resident manager or superintendent, or, if there be no resident manager or superintendent, to the agent, if any, in Sri Lanka, of the proprietor) a requisition calling upon him to pay to the chairman of the local committee, within such time as shall be therein specified, the amount of the contribution due by him. The requisition under this section shall be in the form B in the Schedule or as near thereto as may be. If there be no known agent, the Director of Works shall cause the requisition to be affixed in some conspicuous part of the estate. The Director of Works shall also cause a notice to be published in two consecutive numbers of the Gazette and made public by such other means as he may think necessary, specifying the estates which will have to contribute towards the construction of the proposed road, the sum at which each estate is assessed, and the time within which, the instalments by which, and the dates upon which, the several contributions are to be paid to the chairman of the local committee.

Director of Works to determine objections to assessment proposed by local committee and to determine proportion due by each estate.

Exemption from assessment of uncultivated and abandoned lands.

18. If by reason of any estate, or any portion not less than half of the entire extent thereof, being obviously unfit for cultivation, or having been cultivated and abandoned, or from any other cause, it shall seem to the Director of Works right to exempt such estate or portion thereof from the assessment, it shall be lawful for the Director of Works to do so, and to proceed in his assessment as if there was no such land in the district:

such estate not been exempted from the original assessment, and also any sum not exceeding double the amount of all rates and assessments for the upkeep and repair of such road subsequent to the time when such estate began to use such road, and in default of his paying the same to proceed to recover such sum in the manner herein provided for the recovery of sums assessed.

Exemption from assessment how claimed.

Provided that to entitle a proprietor to such exemption he or some person representing him shall claim the same at the time and place appointed by the Director of Works for hearing objections of proprietors or of agents to estates included within the limits of the district, as provided by section 17, and shall at his own cost and expense satisfy the Director of Works, by such proof as he shall call for, that he is entitled to such exemption;

19. Moneys recovered under section 18, and moneys recovered from estates added to a district as altered under the provisions of section 4, shall—

Application of moneys recovered.

(a) if recovered as construction assessment moneys, be divided amongst the proprietors (at the date of such recovery) of estates which have previously paid construction assessment, in shares proportionate to the sums so previously paid ; and

(b) if recovered as upkeep or repair assessment moneys, be retained by the local committee and applied towards the future upkeep and repair of the roads.

Exempted estates to be liable if afterwards cultivated.

Provided further that should the proprietor of any such estate or portion thereof, or any person claiming under him, bring such estate or portion thereof into cultivation afterwards, and use the road for the purposes of, or with a view to, such cultivation, it shall be competent for the Director of Works to call upon such proprietor or person to pay the sum which he would have been liable to pay had such estate or portion thereof not been exempted from the original assessment, together with any sums which shall have become due for upkeep and repair since such estate began to use such road, and in default of his paying the same to proceed to recover such sum in the manner herein provided for the recovery of sums assessed;

20. All moneys paid to the chairman of the local committee shall be vested in and applied by the local committee for the purposes for which the same were requisitioned, and all contracts and agreements relating to the construction, upkeep, or repair of roads shall be signed by the chairman and one other member of the local committee.

Moneys to be vested in local committees.

CHAPTER IV

COMPLETION AND REPAIR OF ESTATE ROADS

Estates exempted may subsequently be included.

Provided further that should the proprietor of any estate who had claimed and obtained exemption upon the ground of such road not being the proper outlet or other cause, or any person on his behalf, use such road, it shall be competent for the Director of Works to include such estate within the limits of the district from which it had been excluded by reason of such claim, and to call upon such proprietor, or any person claiming on his behalf, to pay any amount not exceeding double the sum which he would have been liable to pay had

21. If, after any road shall have been commenced under the provisions of this Ordinance, the estimate originally made shall prove insufficient for properly constructing and surfacing the same, the estates in the district (including any which may have been opened since the original assessment) shall become and be held liable for the further sum or sums required to complete the road. And the Director of Works shall proceed, once or oftener, if necessary, to assess the proportion due by

If amount of first estimate prove insufficient, further estimates are to be made, and the rates payable by the estates to be assessed in like manner as the original rates.

CHAPTER V

RECOVERY OF SUMS ASSESSED

the estates in each section of the road, to make up such further cost, and to take the further proceedings prescribed for the original assessment of the proportion due by each estate under section 17. And the rate or rates assessed by the Director of Works shall, subject to the appeal hereinafter provided, be binding and conclusive on all proprietors of estates in the districts, and shall be recovered as prescribed herein, and applied to the completion of the said road.

Further rates for repairs or improvements.

**22.** Whenever it shall be found necessary at any time to repair or improve any road constructed under the provisions of this Ordinance, the estates in the district (including any which may have been opened since the original assessment) shall become and be held liable for the sum or sums required for making the necessary repairs and improvements, less such sum or sums as may be voted by Parliament towards the cost of the repair and improvement of such road. And the Director of Works shall proceed to assess the proportion due by the estates in each section of the road, and shall take the further proceedings prescribed for the original assessment of the proportion due by each estate under section 17. And the rate or rates so assessed by the Director of Works shall, subject to the appeal hereinafter provided, be binding and conclusive on all proprietors of estates in the district, and shall be recovered as prescribed herein, and applied for the purpose of repairing the said road :

Provided also that the cost of erecting labourers' lines sanctioned by the local committee and necessary for the labourers engaged in repairing or improving any road as aforesaid shall be borne by the estates in the district (including any which may have been opened since the original assessment), and the proportion due by such estates for the cost thereof shall be assessed by the Director of Works as aforesaid ;

Provided further, that when the Director of Works is satisfied that a portion of any estate not being less than one-quarter of its total area is unfit for cultivation, such portion shall not be taken into account in assessing the contribution towards the cost of repairs and improvements to which such estate is liable under this section,

**23.** If any proprietor or resident manager shall be in default in the payment of any money payable by him under this Ordinance, it shall be lawful for the Director of Works to order proceedings to be taken for the recovery of the same. When the Director of Works shall order proceedings for the recovery of the sum for which any estate shall have been assessed, or any instalment thereof, it shall be lawful for the Director of Works, or any person authorized by writing under his hand, to seize and to sell at his discretion, once or oftener, all the crops, livestock, and implements found on such estate, or any other movable property whatsoever belonging to the proprietor, until the full amount due by such estate (including all interest, costs, and charges payable under sections 25, 26 and 27) shall be recovered. If there be no crop, livestock, and implements on such estate, or other movable property belonging to the proprietor of the estate in default as aforesaid, or if there shall not be sufficient to realize the sum due by such estate, it shall be lawful for the Director of Works, or other person as aforesaid, to cause the timber on the said estate to be cut, or the materials of the buildings erected thereon to be removed, and unless the sum due shall be sooner paid, with the interest, costs, and charges as aforesaid, it shall be lawful for the Director of Works or any person as aforesaid to sell the property so seized by public auction at any time after thirty days from the date of seizure.

Procedure for recovery of money due from defaulting proprietor.

**24.** (1) If, after seizing and selling property enumerated in section 23, the assessment upon the estate shall still remain unsatisfied, it shall be lawful for the Director of Works, or the person authorized as aforesaid, to seize the estate or any other immovable property belonging to the proprietor of the estate in default and sell the same, subject to the existing mortgages and incumbrances thereon, after two months' notice from the date of seizure, but he shall not have the power to take in

When may estate be sold for recovery of money due from defaulting proprietor.

execution or seize the person of the proprietor in default for the assessment due or for any balance thereon:

Provided that in the case of a proprietor absent from Sri Lanka, and not represented by any person therein, the sale shall not take place without notice of such sale being published in the Gazette for six months previous to the sale, and being affixed in some conspicuous part of the estate.

If the estate cannot be sold, then deficiency to be charged against other proprietors.

(2) If the estate or other property cannot be sold for want of bidders, or from any other cause, or if the same be sold, but the proceeds are insufficient to satisfy the assessment and all expenses payable under section 27, it shall be lawful for the Director of Works to charge the sum still remaining due proportionately against the other proprietors and estates in the district under assessment for the construction and repair of the road therein, and if need be, to enforce the payment thereof as if such proprietors and estates were originally liable therefor:

Provided that the right and duty of the Director of Works to recover from the original defaulter, should it subsequently become possible to do so, shall in no way be affected by his proceeding against such other proprietors and estates as aforesaid. And in case the Director of Works shall subsequently recover any moneys from such original defaulter, such moneys, in so far as they may have been so recovered in respect of construction assessment, shall be divided among the proprietors (at the date of such recovery) of the other estates, who paid in lieu of such original defaulter, in proportion to the sum so paid; and so far as such moneys may have been so recovered in respect of upkeep or repair assessment, they shall be retained by the Director of Works and applied towards the future upkeep and repair of the road.

Defaulting proprietors made liable in interest.

25. If any proprietor shall neglect or refuse to pay, when the same shall become due, his proportion of the money due by proprietors for the construction, completion, or repair of roads under this Ordinance, he shall be liable to pay interest at the rate of nine *per centum* per annum

from the time fixed for such payment, and such interest shall, with the principal and other costs and charges due, be recovered from him in manner prescribed for the recovery of sums assessed.

26. It shall be lawful for the person making the seizure to place and keep a person in possession of the property so seized as aforesaid pending such sale. Any movable property so seized as aforesaid may be removed for safe custody, pending the sale thereof, to such place as the person directing the seizure may think fit.

Keeping a person in charge of property seized,

27. It shall be lawful for the Director of Works, or any person authorized by him as aforesaid, to demand, take, and receive from the person by whom money may be due as assessment, or from the owner or any joint owner of any property which may be lawfully seized for such non-payment as aforesaid, the cost of seizure, removal, custody, and sale of any property sold under sections 23 and 24.

Cost and charges of seizure and sale.

28. In the event of a sale of property seized the Director of Works at whose instance such seizure was made shall, after deducting the amount due by the defaulter, and also all costs and charges due (which said costs and charges the Director of Works is hereby authorized to retain), restore the overplus arising from such sale, if any there be, to the owner or joint owner of the property sold.

Return of overplus to owner.

29. If property be sold for non-payment as aforesaid, a transfer in form C in the Schedule, or as near thereto as may be, signed by the Director of Works, shall be sufficient to vest the right, title, and interest of the defaulting proprietor in the purchaser, any law or custom to the contrary notwithstanding. Such transfer shall be liable to stamp duty as a conveyance, and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.

Certificate of sale.

30. Any Director of Works who shall cause property to be seized and sold as aforesaid shall, in the execution of the authority entrusted to him by this Ordinance, be civilly responsible in

Director of works liable in damages.



damages to any person who shall be aggrieved by reason of any irregularity of proceeding or abuse of authority on the part of the Director of Works as aforesaid, or on the part of any person specially authorized by him as aforesaid ;

inquiry, and to confirm the decision or order of the Director of Works, or to alter or modify the same ;

Provided always that no such appeal as aforesaid shall lie until the person aggrieved as aforesaid shall have paid (subject to the decision of the appeal) any moneys which he may have been required to pay by the decision or order in question.

Provided, however, that no action for such damages shall be brought against the Director of Works or any of his officers after the expiration of three months from the time when the cause of action shall have arisen.

CHAPTER. VI

GENERAL PROVISIONS

Director of Works to keep a register of names of proprietors and agents.

31. The Director of Works shall keep a register of the names of the proprietors and agents (if any) for the time being of all estates in districts defined under this Ordinance, and upon any estate being transferred to a new proprietor or upon the agents of the estate being changed, it shall be the duty of the Director of Works to record such transfer or change in the said register:

Duty of notifying transfers or changes of agency to Director of Works.

Provided always that the duty of notifying every such transfer or change shall lie on the transferee and the agents of the estate, and until such transfer or change, as the case may be, shall have been notified to the Director of Works by the proprietor or agents of the estate, all notices to be sent under this Ordinance by the Director of Works to the proprietor or agents of the estate shall be deemed duly sent if sent to the late proprietor or agents, as the case may be.

Appeal to Minister against decisions or orders under sections 3, 17, 18, 21, 22, or 33.

32. Any person aggrieved by any decision or order of the Director or Works in respect of the definition of districts under section 3, or the assessment of estates under sections 17, 21, or 22, or any decision or order made under sections 18 or 33, may apply to the Minister for relief at any time within twenty-one days after such decision or order shall have been notified to him. It shall be lawful for the Minister, upon such application, to make or direct further

33. If costs shall be incurred in any suit, other than that provided by section 30, brought by or against the Director of Works for anything done under the provisions of this Ordinance, or if a survey be indispensable to enable the Director of Works to act, the Director of Works shall order one to be made, and such costs and the expenses of such survey shall be payable by the proprietors of the estates in the district in proportion to the acreage of such estates. And if any proprietor refuse or neglect to pay his proportion when required to do so, the Director of Works shall recover the same in the manner and subject to the provisions herein prescribed under Chapter V relating to " Recovery of Sums Assessed ". Costs.

34. It shall be lawful for the Minister to make the grant of any sums voted by Parliament not exceeding the moiety of the estimated cost of construction, maintenance, or repair of any road constructed under the provisions of this Ordinance subject to such regulations for ensuring the due outlay and appropriation of the contribution, as well from the public funds as by the proprietors, as the Minister shall think fit from time to time to establish, either specially in each case or generally applicable to all cases: Government grant may be made subject to conditions.

Provided that no warrant shall be issued by the Minister in charge of the subject of Finance for the payment of any such sum of money, or of any part thereof, from the Treasury, nor shall any sum be issued from the Treasury until the amount payable by the proprietors of the estimated cost of constructing or repairing such road, or so much thereof as the Minister may think necessary, shall have been deposited with the chairman of the local committee by or on behalf of the proprietors of such estates as aforesaid. Money not to be paid by Government till deposit of amount payable by proprietors or part thereof.

Proprietor may be represented by resident manager or agent.

35. In case of the absence from Sri Lanka of the proprietor of any estate, the resident manager—or, if there be no resident manager or superintendent, the agent, if any, in Sri Lanka of the proprietor—shall and may represent such proprietor and act for him in all matters and things which it may be lawful or necessary for such proprietor to do under any of the provisions of this Ordinance. If there be no known agent, notice affixed on the land and published in the Gazette shall be deemed notice to the proprietor.

Certain roads may be brought under the provisions of this Ordinance.

36. In any case in which a road or portion of a road has been constructed, or partially constructed, or shall hereafter be constructed, by the proprietors of any estates, it shall be lawful for the proprietors for the time being of such estates to apply to the Minister that such road may be treated as a road constructed under this Ordinance, and on receipt of such application the Minister may, if he thinks fit, issue a Notification declaring that such road shall be treated as a road made under this Ordinance, and on the publication of such Notification in the Gazette the provisions of this Ordinance relating to improvement, upkeep, and repair of roads shall apply to such road as if it had been originally constructed under the provisions of this Ordinance.

Bridges and roads may be brought under the provisions of this Ordinance.

37. (1) The Minister may by Notification extend the application of this Ordinance or of any specified provisions thereof to the construction, maintenance, and improvement, or to the maintenance and improvement only, of any road or bridge to which this Ordinance would not, but for such Notification, be applicable.

(2) Nothing in this Ordinance shall be held to preclude the Minister from extending the application of this Ordinance to the maintenance and improvement of roads and bridges which have previously been maintained or partially maintained by means of money or labour provided by any Urban Council, Town Council or Village Council, or to the construction, maintenance, and improvement of roads or

bridges which connect, or will when completed connect, two principal thoroughfares.

(3) Every road towards the construction or repair of which any money shall be issued from the Treasury under the authority of this Ordinance shall be deemed and taken to be a public thoroughfare to all intents and purposes.

38. It shall be lawful for the Director of Works for sufficient reasons to him appearing, from time to time to amalgamate and combine any two or more districts defined under this Ordinance into one district:

Any two or more districts may be combined and amalgamated.

Provided, however, that the Director of Works shall, by publication in two consecutive numbers of the Gazette, and by such other means as he may think necessary, give notice of his intention to amalgamate and combine such districts, and shall in such notice appoint the time and place for hearing objections, if any, in the same manner as is herein provided for in the case of the original definition of a district, and the districts so amalgamated and combined shall thereupon become one district for the purposes of this Ordinance.

39. If any question arises as to what constitutes the use of a road under this Ordinance, the decision of the Director of Works on such question shall be final.

Decision of Director of Works final as to the use of a road.

40. Nothing contained in this Ordinance shall in any way limit the right of any person to apply for a grant to be voted by Parliament in respect of any estate road which shall hereafter be constructed by the proprietors of any estates.

Saving clause.

41. (1) Any power, function or duty conferred or imposed by this Ordinance on the Director of Works may be exercised or performed by the Superintending Engineer within his region or the Executive Engineer within his division, if authorized so to do by the Director of Works.

Exercise of powers and functions.

(2) The powers, functions and duties of the Director of Works, the Superintending Engineer and the Executive Engineer under this Ordinance shall be exercised and

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performed subject to the general direction and control of the Secretary to the Ministry charged with the subject of Highways.

" estate road" includes any road not being a thoroughfare under the Thoroughfares Ordinance, or a branch road under the Branch Roads Ordinance, 1896, or a *gansabhawa* road;

Interpretation.

**42.** In the construction and for the purposes of this Ordinance—

" cost of constructing " includes the cost of acquiring the land as well as the cost of making the road;

proprietor " means the sole or any joint owner or lessee of an estate.

" estate " means a tract of land exceeding twenty acres, cultivated or uncultivated, belonging to or held by one person or several persons and forming a separate or distinct property;

**43.** Nothing in this Ordinance contained shall be held to apply to proprietors of paddy lands or land cultivated with paddy or other grain.

Ordinance not to apply to land cultivated with paddy or other grain.

SCHEDULE

Form A

[Section 5.]

Office of the Director of Works,

To:

19

Proprietor (or Resident Manager) of

Estate.

Sir,—It has been proposed to construct an estate road leading from the main road near the . . . . . mile-post (or at the village of . . . . . ) to the district of . . . . . in which your estate. . . . . is situated, under the provisions of the Estate Roads Ordinance, and I am therefore to request you to fill up the accompanying paper and return the same to me before the . . . . . day of . . . . . next ensuing, in failure whereof you will be deemed to have concurred in the said proposal.

I am, Sir,  
Your obedient servant,

Director of Works.

(Paper referred to in the foregoing letter.)

To the Director of Works for the *Central Province, Kandy.*

Sir,—I hereby declare that I do (or do not) desire that the provisions of the Estate Roads Ordinance should be extended to the district of . . . . . in which my estate (or the estate under my management) called . . . . . is situated, for the purpose of the construction of an estate road in the said district, from . . . . . to

I am, Sir,  
Your obedient servant,

Proprietor (or Resident Manager, or Agent) of.

Estate.

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**ESTATE ROADS**

[Section 17.]

Form B

Office of the Director of Works,

To: ..... , 19 .....

Proprietor (or Resident Manager, or Agent) of ..... Estate.

Sir,—The estimate having been sanctioned for the construction (or completion, or repair, as the case may be) of an estate road leading from ..... to ..... in the district of ....., in which your estate ..... is situated, the Director of Works, acting under the provisions of the Estate Roads Ordinance, has assessed the portion due by your estate at Rs. ...., which sum you are hereby required to pay to the Chairman, Local Committee, on or before the ..... day of ..... 19.....

I am, Sir,

Your Obedient Servant,

Director of Works.

[Section 29.]

Form C

Whereas ....., of ..... was in default in the payment of the moneys due by him as contribution for constructing (or completing, or repairing, as the case may be), under the Estate Roads Ordinance, ..... and became liable in the sum of Rs. .... inclusive of costs, and made default in the payment thereof; and whereas his property was seized in conformity with the said Ordinance, and sold also in conformity therewith, on the ..... day of ..... and the same was purchased by ..... for the sum of Rs. .... which has been duly paid by the said .....

Now know ye that I, ..... Director of Works of ..... by virtue of the powers vested in me by the said Ordinance, do hereby certify that the following property, to wit: (here describe the property accurately) has been sold and purchased by ..... of ..... for the sum of Rs. .... which he has duly paid, and that the right, title, and interest of the said - ..... - in the said premises are and shall henceforward be vested in the said ..... his heirs, executors, administrators, and assigns, for ever.

Given under my hand at ..... this ..... day of ..... 19 .....

Director of Works.